

OFFICIAL COPY

Fresno, California

June 8, 2004

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Acting Council President
	Cynthia Sterling	Councilmember
	Brad Castillo	Council President

Absent:	Brian Calhoun	Councilmember
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Dan Hobbs, City Manager
Jim Sanchez, Chief Assistant City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

City Manager Hobbs gave the invocation and President Castillo led the Pledge of Allegiance to the Flag.

MOMENT OF SILENCE ON THE PASSING OF PRESIDENT RONALD REAGAN

Councilmember Duncan read a statement on President Reagan's life and legacy and a Moment of Silence was observed in his honor.

SPCA PET OF THE MONTH

Not present.

SPECIAL PRESENTATION BY CITY MANAGER HOBBS TO CITY EMPLOYEES TRAINED BY THE PACIFIC INSTITUTE (IMAGINE 21) TO BE FACILITATORS FOR THE CITY'S WORKFORCE

Certificates and shirts were presented to the facilitators and Council members thanked and commended them for their leadership.

PRESENTATION OF A \$1,000 CHECK TO THE CHAFFEE ZOO BY THE PUBLIC UTILITIES DEPARTMENT GOLF TOURNAMENT

Presentation made.

PROCLAMATION OF MEN WHO COOK AND SOME WHO DON'T DAY - ACTING PRESIDENT PEREA

Read and presented.

APPROVE MINUTES:

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of May 25, 2004, approved as submitted.

PROCLAMATION OF FLAG DAY/CITIZEN CORPS DAY - MAYOR AUTRY

Read and presented.

143-203

6/8/04

COUNCIL MEMBER REPORTS AND COMMENTS:

REQUEST (1) FOR UPDATE ON APPRENTICESHIP PROGRAM, (2) TO ADDRESS THE PROBLEM OF WEEDS IN MAJOR STREETS IN SOUTHEAST FRESNO MEDIAN ISLANDS, AND (3) FOR STATUS REPORT ON AWARDING BIDS TO LOCAL COMPANIES - COUNCILMEMBER DAGES

Requests made.

COMMENDATION AND THANK YOU TO PUBLIC WORKS STAFF FOR NEIGHBORHOOD WORK AND STABILIZING NEIGHBORHOODS - COUNCILMEMBER BOYAJIAN

Commendation made.

(1) START OF BLUES NIGHT SERIES ON JUNE 20TH AT THE HINTON CENTER AND POLICE SECURITY, (2) COMMENDATION TO PUBLIC WORKS, CODE ENFORCEMENT, AND POLICE AND FIRE STAFF FOR ALL THEIR WORK IN DISTRICT 3, AND (3) THANK YOU TO THE KIWANIS CLUB, THE FAX TEAM AND THE COMMUNITY FOR THEIR ASSISTANCE/SUPPORT IN THE DISTRICT 3 ELEMENTARY SCHOOL STUDENT ICE SKATING EVENTS AT GATEWAY - COUNCILMEMBER STERLING

Chief Dyer responded to the security issue stating there would be strong police presence, and the commendations were made.

MADD TRAILER/WRECKAGE - COUNCILMEMBER DUNCAN

Councilmember Duncan advised the vehicle that a local girl was killed in by a drunk driver was recently unveiled at City Hall and displayed last Friday at Clovis West High School as a sober reminder of drinking and driving and encouraged Councilmembers to work with the police department and Lt. Hall to further display and use it stating it had a huge impact on the students.

COMMENDATION TO ASSISTANT PUBLIC WORKS DIRECTOR ELAM FOR HIS WORK AND COMMITMENT TO THE COMMUNITY AND SPECIFICALLY DISTRICT 4 NEIGHBORHOODS - PRESIDENT CASTILLO

Commendation made.

AIRWAYS SWIMMING POOL - PRESIDENT CASTILLO

Upon question, City Manager Hobbs stated the pool would be repaired by June 14th.

APPROVE AGENDA:

(2-B) APPROVE OPTIONS REGARDING THE EXPENDITURE FOR DOWNTOWN BANNERS FROM PARKING FUND

Removed from the agenda by City Manager Hobbs.

(1-K) RESOLUTION - APPROVING THE FINAL MAP OF TRACT NO. 5180 AND ACCEPTING THE DEDICATED PUBLIC USES THEREIN, NORTHEAST CORNER OF E. HUNTINGTON BOULEVARD AND "R" STREET IN COUNCIL DISTRICT 3, AND AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS

Removed from the agenda by staff/to be rescheduled.

(1-L) BILL - AMENDING SECTION 8-134 OF THE FRESNO MUNICIPAL CODE RELATING TO JUVENILE ACCOUNTABILITY

City Clerk Klisch reminded Council the report and ordinance bill were revised and replaced yesterday.

ADD-ON EMERGENCY ITEM - APPROVE CONTRACT CHANGE ORDER IN THE AMOUNT OF \$474,680 TO A SPINIELLO COMPANIES CONTRACT, AS NECESSARY TO COMPLETE EMERGENCY REPAIRS OF STRUCTURAL DAMAGE TO THE HEADWORKS AT THE FRESNO/CLOVIS REGIONAL WASTEWATER RECLAMATION FACILITY (RWRF)

143-204

6/8/04

City Clerk Klisch advised the above emergency item needed to be added to the agenda/consent calendar with an official motion and action, and Chief Assistant City Attorney Sanchez and City Manager Hobbs added the findings Council had to make to add the item to the agenda were immediate action was required, the need arose following the posting of the agenda last Friday, and this was a public health and emergency issue. Action to add the item was taken after the following issue.

(3-A) DISCUSSION AND DIRECTION TO STAFF REGARDING THE PROCESS USED FOR PRIORITIZATION OF ALLOCATION OF EXPENDITURE OF FUNDS BY COUNCIL DISTRICT AS DESIGNATED BY THE NO NEIGHBORHOOD LEFT BEHIND PROGRAM - COUNCILMEMBER DAGES

(2-A) NO NEIGHBORHOOD LEFT BEHIND PROGRAM

- 1. RESOLUTION - ESTABLISHING OFFICIAL INTENT OF THE CITY OF FRESNO TO REIMBURSE EXPENDITURES FROM BOND PROCEEDS FOR THE IMPLEMENTATION OF THE NO NEIGHBORHOOD LEFT BEHIND PROJECT**
- 2. DIRECT STAFF TO MAKE NECESSARY CHANGES TO THE FY 05 PERSONNEL AUTHORIZATION RESOLUTION (PAR) TO INCLUDE ADDITIONAL PERSONNEL FOR THE NO NEIGHBORHOOD LEFT BEHIND PROGRAM**

At the request of Councilmember Dages and with Council consensus, Item 3-A to be considered with 2-A due to their relationship.

EMERGENCY ADD-ON ITEM - APPROVE CONTRACT CHANGE ORDER IN THE AMOUNT OF \$474,680 TO A SPINIELLO COMPANIES CONTRACT, AS NECESSARY TO COMPLETE EMERGENCY REPAIRS OF STRUCTURAL DAMAGE TO THE HEADWORKS AT THE FRESNO/CLOVIS REGIONAL WASTEWATER RECLAMATION FACILITY (RWRF)
(CONTINUED FROM EARLIER)

Councilmember Duncan acknowledged the findings as verbalized earlier by the city attorney and city manager and made a motion to add the item to the agenda.

On motion of Councilmember Duncan, seconded by President Castillo, duly carried, **RESOLVED**, the above entitled emergency item added to the agenda under the Consent Calendar, by the following vote:

Ayes :	Boyajian, Dages, Duncan, Perea, Sterling, Castillo
Noes :	None
Absent :	Calhoun

On motion of Acting President Perea, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the **AGENDA** hereby approved, by the following vote:

Ayes :	Boyajian, Dages, Duncan, Perea, Sterling, Boyajian
Noes :	None
Absent :	Calhoun

ADOPT CONSENT CALENDAR:

(1-A) AWARD A CONTRACT TO LEWIS C. NELSON & SONS, INC., OF SELMA, CA IN THE AMOUNT OF \$5,890,000 TO CONSTRUCT FIRE STATION NUMBERS 15 AND 17

(1-B) REJECT ALL BIDS FOR THE REQUIREMENTS CONTRACT FOR WATER QUALITY TESTING AND DIRECT STAFF TO REBID THE PROJECT WITH REVISED SPECIFICATIONS

(1-C) AWARD A REQUIREMENTS CONTRACT IN THE AMOUNT OF \$149,584.98 TO DELRAY TIRE & RETREADING, INC., OF FRESNO FOR RETREADING OF COMMERCIAL TRUCK TIRES FOR THE FLEET MANAGEMENT DIVISION

(1-D) AWARD A CONTRACT TO REPUBLIC ELECTRIC OF NOVATO, CA, FOR THE BASE BID AND ALTERNATE BIDS 1 AND 2 IN THE AMOUNT OF \$327,240 FOR TRAFFIC SIGNAL EMERGENCY VEHICLE PREEMPTION INSTALLATIONS

(1-E) REJECT ALL BIDS TO CONSTRUCT WELL SITE IMPROVEMENTS AT PUMP STATION 314

143-205

6/8/04

(1-F) **RESOLUTION NO. 2004-186** - 89TH AMENDMENT TO AAR 2003-209 APPROPRIATING \$175,000 TO FUND THE CONSTRUCTION OF GOLDEN STATE BOULEVARD SLIP RAMP NORTH OF ASHLAN AVENUE

1. AWARD A CONTRACT TO AMERICAN PAVING COMPANY OF FRESNO IN THE AMOUNT OF \$137,559.50 FOR THE CONSTRUCTION OF GOLDEN STATE BOULEVARD SLIP RAMP NORTH OF ASHLAN AVENUE

(1-G) APPROVE A MINOR MODIFICATION TO THE PARKING MANAGEMENT AGREEMENT WITH AMPCO PARKING SYSTEMS AND AUTHORIZE THE EXTENSION OF THE CURRENT PARKING MANAGEMENT AGREEMENT FROM JULY 1, 2004, TO SEPTEMBER 30, 2004, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN ON BEHALF OF THE CITY

(1-H) APPROVE THE ACQUISITION OF A STREET EASEMENT FROM BETTY JEAN HUDGENS ON E. FLORENCE AVENUE BETWEEN S. ELM AND S. IVY AVENUES FOR \$1,200, AND AUTHORIZE THE INTERIM PUBLIC WORKS DIRECTOR TO SIGN ALL DOCUMENTS ON BEHALF OF THE CITY

(1-I) APPROVE ACQUISITION OF TWO EASEMENTS ON FRESNO COUNTY ASSESSOR'S PARCEL 504-090-88 FROM THE CENTRAL UNIFIED SCHOOL DISTRICT FOR A TOTAL OF \$11,900 FOR THE WIDENING OF HERNDON AVENUE BETWEEN POLK AND WEBER, AND AUTHORIZE THE INTERIM PUBIC WORKS DIRECTOR TO SIGN THE DOCUMENTS ON BEHALF OF THE CITY

(1-J) **RESOLUTION NO. 2004-187** - AUTHORIZING THE FILING OF AN APPLICATION FOR A SUPPLEMENTAL ALLOCATION FROM THE STATE GRADE SEPARATION FUND, AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN AN AMENDMENT TO STATE AGREEMENT NO. 06R077, AND CERTIFY THAT THE SHAW-MARKS GRADE SEPARATION PROJECT HAS BEEN COMPLETED AND ACCEPTED BY THE CITY OF FRESNO

EMERGENCY ADD-ON ITEM - APPROVE CONTRACT CHANGE ORDER IN THE AMOUNT OF \$474,680 TO A SPINIELLO COMPANIES CONTRACT, AS NECESSARY TO COMPLETE EMERGENCY REPAIRS OF STRUCTURAL DAMAGE TO THE HEADWORKS AT THE FRESNO/CLOVIS REGIONAL WASTEWATER RECLAMATION FACILITY (RWRF)

(ADDED EARLIER)

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	Calhoun

(1-L) **BILL NO. B-56** - AMENDING SECTION 8-134 OF THE FRESNO MUNICIPAL CODE RELATING TO JUVENILE ACCOUNTABILITY

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, **RESOLVED**, the above entitled Bill No. B-56 introduced before the City Council and laid over, by the following vote:

Ayes	:	Duncan, Perea, Sterling, Castillo
Noes	:	Boyajian
Absent	:	Calhoun

(2-A) NO NEIGHBORHOOD LEFT BEHIND PROGRAM

1. **RESOLUTION NO. 2004-188** - ESTABLISHING OFFICIAL INTENT OF THE CITY OF FRESNO TO REIMBURSE EXPENDITURES FROM BOND PROCEEDS FOR THE IMPLEMENTATION OF THE NO NEIGHBORHOOD LEFT BEHIND PROJECT

2. DIRECT STAFF TO MAKE NECESSARY CHANGES TO THE FY 05 PERSONNEL AUTHORIZATION RESOLUTION (PAR) TO INCLUDE ADDITIONAL PERSONNEL FOR THE NO NEIGHBORHOOD LEFT BEHIND PROGRAM

-and-

(3-A) DISCUSSION AND DIRECTION TO STAFF REGARDING THE PROCESS USED FOR PRIORITIZATION OF

ALLOCATION OF EXPENDITURE OF FUNDS BY COUNCIL DISTRICT AS DESIGNATED BY THE NO NEIGHBORHOOD LEFT BEHIND PROGRAM - COUNCILMEMBER DAGES

143-206

6/8/04

Assistant City Manager Ruiz reviewed the issue as contained in the staff report as submitted stating approval of the items would assist staff in moving the program forward as originally approved by Council.

Acting President Perea stated Council gave up their infrastructure funds because the need was understood and relative to the continued repair of neighborhoods (the 7-week program) questioned if the program could be extended to 10 weeks within the bond or other resources for those neighborhoods that will not receive a big portion of the bond money. Mr. Ruiz responded stating staff wanted to "beef up" the 7-week program and explained their proposal to redistribute the program which he noted was part of the No Neighborhood Left Behind program. Acting President Perea clarified weeks would be added in certain parts of the city if needed and made a motion to approve Item 2A-1 and 2A-2.

Councilmember Boyajian spoke to the importance of equity and to his suggestion in April for a more equal program, and elaborated on the issue and expressed his frustration and concerns with the inequity of the funds and with the loss of infrastructure budget funds stressing important tools to make neighborhoods successful were being taken away from Council.

Mr. Ruiz, Assistant Public Works Director Dilley and Chief Assistant City Attorney Sanchez responded to numerous questions, comments and concerns of Councilmember Dages at length relative to concern with program details just now coming out, meaning of "additional 7 weeks" (what the expanded 7-week program entailed), need to address the poorest neighborhoods first and that not being the case, the inequity of the allocation, the council member (Acting President Perea) who worked on the program ending up with the most money, need to re-prioritize the funds, concern with the lack of information on constructing a facility and purchasing equipment, the project not put out to bid, concern with the way the issue was presented, if the funds could be re-prioritized, what will happen to the facility and employees at the end of the 6-year program (**3 - 0**), why some areas on the map that have infrastructure are even on the map/identified for work, if infrastructure was planned for vacant land, how to make an alternate motion to direct staff to re-prioritize the allocation of the expenditure of funds by council districts as designated by the No Neighborhood Left Behind program, and reiteration of the need to re-prioritize the allocation of funds as it was unfair and the program was not addressing the poorest neighborhoods first.

A motion of Councilmember Dages to table Acting President Perea's motion so an alternate budget motion could be made died due to lack of a second.

Mr. Ruiz responded to questions of Councilmember Duncan relative to whether the city-wide neighborhood needs assessment report had been distributed, what the annual deficit was for on-going maintenance, number of new employees to be hired/what will happen to them after 6 years, and cost for the equipment. Councilmember Duncan expressed strong concern with the bond financing, lack of thought to the impact and implications, the annual deficit, and the program being based on borrowed money and stated the program was not ready to go, staff did not look at alternative methods to get the work done, and encouraged Council to oppose the motion on the floor and refer the matter back to staff to look at long-term consequences and added he believed this was politically driven and was a disservice to the taxpayers.

Councilmember Sterling stated this was a great aggressive program with out of the box thinking; explained how her district would benefit and spoke to how the improvements would compliment other projects/improvements in her district and to how her district appreciated what was going to happen; expressed her concern with comments made stating she was offended some members wanted to redo a program that would help the worst areas of the city; emphasized Acting President Perea's district was different from other districts and Council needed to look at the total picture; and concurred staff needed to work with council members on their district's needs and stated she had no problem giving up part of her 7-week program time and putting it into other districts who need additional time.

City Manager Hobbs stated staff was trying to make up for fifty years of neglect in poor neighborhoods, advised he sat through all the briefings when this program was put together and stressed there was no district politics involved, stated staff went out and surveyed and identified the worst neighborhoods which were brought forth, and stated he respected points made he had a concern about opening the door to district politics if Council starts "messing" with this pure model that was based on "worst of the worst" criteria.

Councilmember Boyajian clarified he understood district needs were different and he was happy to give most of the bond money to the poorer districts, and presented questions relative to the redistribution of the 7-week program, stated he wanted to see a Council committee look at what this would mean to his district money-wise, added a policy on the 7-week program was needed, recommended a Council committee be formed to see what the ramifications are and if the city will be able to maintain districts in the future if the No Neighborhood program goes forward, and offered a motion to appoint a committee to look at issues and continue this matter a few weeks,

which motion was seconded by Councilmember Duncan, whereupon President Castillo noted there was already a motion on the floor. Mr. Ruiz and Mr. Dilley responded throughout with Mr. Ruiz stating staff would contact and talk with each council member on the 7-week program.

143-207

6/8/04

Additional discussion continued. Councilmember Dages stated he was disappointed some council members did not understand where he was coming from, clarified he supported the program and made an attempt to redistribute the funds because he did not like the inequity but lost **(4 - 0)**, and stressed he never said he would not support the program adding he will always fight for the poorest neighborhoods. Acting President Perea stated he was amazed at the debate on a proposal that would build the inner city; stated up to today politics was left out and stressed staff did talk with Council and all the information was presented; pointed out the city has been successfully reconstructing the existing infrastructure the past few years but has not put infrastructure into neighborhoods that do not have it and emphasized this program addressed the 71 neighborhoods that desperately needed curbs, gutters, sidewalks and new streets; and spoke to the 7-week program stating if he and Councilmember Sterling had to give up part of their 7-weeks in order to beef up the program in other parts of the city that was okay as politics was the art of compromise but stressed Council did not need to stop the work on the 71 neighborhoods. President Castillo stated staff did what they said they were going to do and they did a great job and it was unfortunate Council chose to "muddy it up", and stated this was never about what was best for each council member but was about parity and what was best for the entire city of Fresno and elaborated.

On motion of Acting President Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2004-188 hereby adopted, and staff directed to make the necessary changes to the FY 2005 PAR to include additional personnel for the No Neighborhood Left Behind Program as shown on Attachment A of the staff report, by the following vote:

Ayes : Dages, Perea, Sterling, Castillo
 Noes : Boyajian, Duncan
 Absent : Calhoun

RECESS - 11:07 A.M. - 11:23 A.M. Councilmember Dages arrived later.

(10:00 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council recessed at 11:23 a.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF MAY 25, 2004

On motion of President Castillo, seconded by Councilmember Boyajian, duly carried, RESOLVED, the Agency minutes of May 25, 2004, approved as submitted.

(A) CONSIDER REQUEST FROM THE LAW FIRM OF MCDONOUGH, HOLLAND AND ALLEN PC FOR THE CITY AND THE AGENCY TO WAIVE ANY POTENTIAL CONFLICT OF INTEREST REGARDING THE NEGOTIATION OF AN EXCLUSIVE NEGOTIATION AGREEMENT AND A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE AGENCY AND HISTORIC CHINATOWN LLC (COUNCIL AND AGENCY ACTION)

Chief Assistant City Attorney Sanchez reviewed the issue as contained in the staff report as submitted and recommended approval. A motion and second was made to approve staff's recommendation.

Upon question of Councilmember Sterling, Mr. Sanchez confirmed the law firm was seeking to be the developer's legal representative in the process and in drafting the exclusive right to negotiate which would ultimately be brought back to the joint bodies.

On motion of President Castillo, seconded by Councilmember Boyajian, duly carried, RESOLVED, the request from the Law Firm of McDonough, Holland and Allen CP for the City and Agency to waive any potential conflict of interest regarding the negotiation of an Exclusive Negotiation Agreement and a Disposition and Development Agreement between the Agency and Historic Chinatown LLC (Ed Kashian, principal) hereby approved, by the following vote:

Ayes : Castillo, Duncan, Perea, Sterling, Boyajian

Noes : None
 Absent : Calhoun, Dages

The joint bodies adjourned their meeting at 11:27 a.m. and the City Council reconvened in regular session. Councilmember Dages returned to the meeting.

143-208

6/8/04

(10:15 A.M.) RESOLUTION - 88TH AMENDMENT TO AAR 2003-209 APPROPRIATING \$31,100 TO THE PUBLIC WORKS CAPITAL BUDGET FOR THE INSTALLATION OF CLASS II BICYCLE LANES ON: (1) W. ASHLAN AVENUE BETWEEN GOLDEN STATE BOULEVARD AND WEST AVENUE IN THE AMOUNT OF \$22,425, AND (2) E. ASHLAN AVENUE BETWEEN CEDAR AVENUE AND FIRST STREET IN THE AMOUNT OF \$8,719

Transportation Manager Benavides reviewed the issue, advised staff noticed and met with the affected property owners and believed their concerns had been addressed due to staff modifying the design, and recommended approval adding there was a tight time line.

Nike Paladino, Fresno Cycling Club, 8735 N. Cedar #130, spoke in support, and Gloria Torrez spoke in opposition due to various related projects and issues.

Upon question of Councilmember Sterling, Mr. Benavides stated the day care center's concerns had been addressed and the funds were for the subject locations only, whereupon a motion and second was made to approve staff's recommendation. Mr. Benavides responded briefly to questions of Councilmember Duncan relative to who staff met with and if their reactions were supportive.

A motion of Councilmember Sterling, seconded by President Castillo to adopt the above resolution failed, due to the need for five affirmative votes, by the following vote:

Ayes : Boyajian, Perea, Sterling, Castillo
 Noes : Dages, Duncan
 Absent : Calhoun

(5) SCHEDULED PUBLIC COMMENT:

(1) APPEARANCE BY JEFF A. JONES TO DISCUSS PROVIDING MORE SHADING IN THE CITY OF FRESNO

Appearance made. Planning and Development Director Yovino advised of the city's tree shading requirements for commercial and public uses and along with City Manager Hobbs clarified issues and/or responded to questions and comments of President Castillo relative to whether trees would be planted on stadium parking lots, if the parking lots were considered temporary and when they would become permanent, residential requirements, the benefit of trees and need for a plan to replace trees that have been removed, staff recommending including the issue in the urban forest workshop or the green building policy, and if trees in median islands was a funding issue. Staff was requested to provide Council with a plan to replace trees as soon as they are removed and there was no further discussion.

(2) APPEARANCE BY EDWARD SORNIGIAN TO REQUEST NEGOTIATING A SETTLEMENT FOR CITATIONS AND FINES RECEIVED FOR THE CITY REMOVING TRASH AND WEEDS ON APN 328-080-45

Not present when called.

(4) CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL:

(A) EXISTING LITIGATION - CASE NAME: RAQUEL GUERRA V. CITY OF FRESNO

(B) DECIDING WHETHER TO INITIATE LITIGATION - CASE NAME: CITY OF FRESNO V. COUNTY OF MADERA

The City Council met in closed session in Room 2125 at the hour of 11:48 a.m. to consider the above issues and recessed for

lunch thereafter.

LUNCH RECESS - 12:40 P.M. - 2:00 P.M.

CLOSED SESSION ANNOUNCEMENT:

143-209

6/8/04

Chief Assistant City Attorney Sanchez announced in the matter of item 4-B, City of Fresno vs. County of Madera, the Council unanimously authorized the city attorney to join Fresno County in filing a lawsuit against Madera County challenging the approval of the River Ranch Estates project by a 6-0 vote with Councilmember Calhoun absent.

(11:00 A.M.) CONTINUED HEARING ON THE FY 2005 CITY OF FRESNO BUDGET

1. RESOLUTION - ADOPTING THE FY 2004-2005 BUDGET, INCLUDING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) BUDGET AND THE ANNUAL APPROPRIATION RESOLUTION (AAR)
2. RESOLUTION - ADOPTING THE FY 2004-2005 POSITION AUTHORIZATION RESOLUTION (PAR)
3. RESOLUTION - ADOPTING THE ANNUAL AMENDMENT TO MASTER FEE SCHEDULE RESOLUTION NO. 80-420
4. BILL (FOR INTRODUCTION AND ADOPTION) - ADOPTING THE PROPERTY TAX OVERRIDE (PTO) ORDINANCE
5. SELECTION OF METHODOLOGY FOR DETERMINATION OF THE FY 2004-2005 GANN APPROPRIATION LIMIT
6. RESOLUTION - ADOPTING THE FY 2005 SALARY RESOLUTION (ESTABLISHING RULES FOR THE APPLICATION OF CITY EMPLOYEE COMPENSATION RATES AND SCHEDULES AND RELATED REQUIREMENTS, AND ESTABLISHING COMPENSATION RATES AND SCHEDULES)

DEPARTMENTS SCHEDULED FOR PRESENTATIONS/COUNCIL CONSIDERATION (AS TIME PERMITS):

1. ECONOMIC DEVELOPMENT
2. POLICE
3. GENERAL SERVICES
4. INFORMATION SERVICES
5. TRANSPORTATION
6. PUBLIC UTILITIES
7. PERSONNEL SERVICES

President Castillo announced the time had arrived to consider the issue and reopened the hearing.

Gloria Torrez spoke to various issues related to the Transportation Department budget including need for FAX dollars to stay with FAX, need for increased frequencies on key lines and improved amenities, need to address the uncleanliness of buses, opposition to the natural gas fueling station and buses, need to include real bus riders in studies, and need to extend routes.

Speaking to the Police Department budget, specifically in support of an Independent Police Auditor as proposed by the Mayor, were: Ellie Bluestein, 4414 E. Alamos, Member of the Central California Criminal Justice Committee; Gerry Bill, 708 E. Beverly Way, Fresno City College Instructor; Joan Poss, 4061 N. Wilson, Retired Licensed Clinical Social Worker, representing the Women's International League for Peace and Freedom (**5 - 0**); Larry Mullen, 4422 N. Prospect, Fresno County Green Party and Instructor at DeWolf High School; Nancy Marsh, 928 N. Echo; Tony Farmer, 1312 W. Fremont, Realtor and former Mayoral candidate; Joseph V. Melton, 7320 N. Antioch; Jeff Jones, 1300 Minnewawa #122, Clovis; Gloria Hernandez, Comite No Nos Vamos, 3232 E. Hedges, who advised she was present to formally resign from the Chief's Advisory Board stating it was a farce and elaborated; Rev. Kenn Smiley, 5550 N. Blosser, Pastor, United Community Fellowship Church on behalf of Fresno Metro Ministry; Cedric Hardamon, President, United Black Men, 1929 E. Church; Tania Pacheco, University student, 5273 E. Wildflower Lane; Janet Slagter, 805 W. Cornell; Charity Slagter, 805 W. Cornell; Lynn Jacobson, 359 E. Lindbrook Lane; Alan Cheah, 359 E. Lindbrook Lane; Dr. Matthew Jendian, Professor of Sociology and Director of the American Humanic Certificate and Non-Profit Management and Leadership at Fresno State, 1213 N. Carolina, Clovis; Gail Gasten, Chair, Human Relations Commission; Rev. Noe R. Lopez, 405 E. Oleander; Cary Catalano, Member, Human Relations Commission, who spoke to the uncertainty of the HRC and how citizens complaints/concerns will be heard without appropriate staff; and Tanisha Bess, 3031E. Platt #E, member of the National Action Network, representing Rev. Floyd Harris.

Mike Oliver, President, Fresno Police Officers Association, spoke in opposition stating an IPA was not needed, spoke to the openness of the police department, and added a review function--the City Council--was already in place.

Upon call, no one else wished to be heard and President Castillo closed the public testimony portion of the hearing.

ECONOMIC DEVELOPMENT DEPARTMENT

143-210

6/8/04

Economic Development Burkhardt gave a PowerPoint presentation on the department's budget including **(6 - 0)** the goal of economic development, an overview of the 2003-2004 program, performance highlights, 5-year strategic goals, objectives, jobs forecast, and FY 2004-2005 performance measures, and advised Councilmember Calhoun posed several questions in advance relative to the Help Loan Program, revenue risks, the goal of Fresno becoming a corporate headquarters for twenty-five Fortune 1000 companies, funding source for the vocational training center, and the new FCC campus and training center including the project's total estimated costs and who would operate and fund the facility, and read the full questions into the record along with staff's responses.

Development Analyst Smith and Mr. Burkhardt responded to questions and comments of Councilmember Sterling relative to the loan the department is paying debt services on and why so much has to be paid this year, the \$20,000 for professional services, the Roeding Business Park including amount budgeted to market it, strategy, and if staff was collaborating with the EDC, if there was any interest in the 4,500 acres for industrial parks, the warehouse on Church Avenue, the Elm Avenue/Buzz Oates area/San Joaquin Supply and job opportunities, the entrepreneurial program and its success rate, the great opportunity now for people to own their own businesses, what Ledestri Foods has done for the community with its expansion and what the impact would have been if it had left, and what other departments work with the department to bring in businesses.

MOTION - Sterling/Dages - Accept the Economic Development Department's budget

Councilmember Duncan thanked staff for the small business workshops but stated as he reviewed the department's budget he saw the department as barely functional; noted goals in some cases were laughable and added there was a lack of activities; and spoke to the importance of bringing in jobs and elaborated on the Fortune 1000 goal stating there had to be some level of realism, with Mr. Burkhardt and City Manager Hobbs responding and clarifying issues. Councilmember Duncan continued stating he wanted to see staff get real on economic development, stated he did not see a collaborative effort, advised he was very frustrated that there was hardly any mention of the Roeding Business Park, and stressed he wanted to see the department be a leader and upon his request Mr. Burkhardt committed to three signed deals driven by the department for the Roeding Business Park.

Mr. Burkhardt, Education Advocate Madrid, ED Analyst Trevino, Mr. Hobbs and Councilmembers Sterling and Duncan responded to questions/comments of Councilmember Boyajian, Acting President Perea, Councilmember Dages and President Castillo and/or clarified issues relative to whether any steps have been taken to keep Vendo here, Fresno's "lousy" air service and if the department works with airports, offering incentives to bring in businesses **(7 - 0)**, the Enterprise and Empowerment Zones, Wilberforce College's interest in coming here and if there has been any collaboration with them, partnering with Wilberforce in a training center, the \$290,000 to focus on key projects like Forest City, industrial parks and if infrastructure needs were being met/what was lacking, the downtown vocational training center including partnerships and land acquisition, numerous questions on the role of quality of life in economic development and vision, progressive steps the city has taken (solar project and public art policy) and need for a policy encouraging that type of innovation, the contract with the EDC, unemployment rate/unemployable people, the success of the Ledestri expansion project and the process being the key factor, the collaboration occurring on Wilberforce, additional questions on the vocational center including need to partner, number of existing schools in the downtown triangle, and how much more was needed besides the \$300,000 for land **(8 - 0)**, and if eminent domain was required for the Business Incubator project. President Castillo stated the downtown vocational center was probably a good idea and something that would happen but stated he felt it was premature right now as there were a lot of unanswered questions, ifs, maybes, possibilities, and people the city was hoping would partner up with.

MOTION - Castillo/Sterling - Direct the \$300,000 allocated for vocational center to the fire department to purchase a fire engine for either Fire Station Nos. 1, 3, 4, 5, 7 or 8 which are all located in a CDBG area.

There was no further discussion.

RECESS - 4:46 P.M. - 4:50 P.M.

POLICE DEPARTMENT:

Chief Dyer stated he was proud of the department's accomplishments and successes enjoyed this past year as a result of the focused approach to policing and the relationships of trust established with the community, advised Fresno's crime index in 2003 reached its lowest in more than three decades, and gave a PowerPoint presentation on the reduction in crime rates highlighting the bureaus and units that contributed to the reduction, and reviewed the highlights of his department's FY 2005 budget.

143-211

6/8/04

Chief Dyer, Budget Manager Smith, City Manager Hobbs and Finance Director/Controller Quinto responded to questions of Councilmember Dages and President Castillo relative to whether all the fully funded positions would be filled, fines and revenues, booking fees, increase in Information Systems costs, fleet account and charges, the police legal advisor, the contingency reserve, Training/POST funds, Fresno City College purchase of property for police training and merging efforts, why the police department has all the contingency money, petty cash/buy money, DUI checkpoints and if people caught help to offset overtime costs, and towing services and what the city receives.

MOTION - Duncan/Castillo - Create a special revenue fund for revenues generated by DUI checkpoints and transfer the costs currently included in the budget as well as the revenue projected into that fund.

Lengthy discussion ensued with Chief Dyer, Chief Assistant City Attorney Sanchez and Mr. Hobbs clarifying issues and/or responding to questions of Councilmembers Duncan, Boyajian and Sterling relative to the department taking over airport public safety, the life skills curriculum and the Buddies Program goals including costs and funding sources, concern that the department is reaching too far to be social service workers vs. crime fighting, **(9 - 0)** response times and how the special teams improve that, volume of citations and if there was a problem in processing, prevention and education programs, increase in homicide rates and how the Wesson murders might have been prevented, the number of department social service programs and if the goal was to mitigate the mis-connect with the public, the red light camera program, the River Park security issue, if the department was attempting to wean off CDBG funds, status of the new helicopters, use of drug forfeiture funds, the 15 new officers being added, support for the increase in training for patrol officers, 9-1-1 maintenance costs, the \$1 million allocated for the boot camp, patrol overtime charges and why officers are not hired, security concerns with the Roeding Park area and neighborhoods, Internal Affairs Units/investigations/what steps are being taken to reduce complaints, various questions relative to the Independent Police Auditor (IPA) including the San Jose and Sacramento models and having a vote of the people, the Professional Standards Unit, the RFP on the 9-1-1 Center, the Neighborhood Traffic Unit, strategies to increase police presence in neighborhoods **(10 - 0)**, commendation on the grant writing and need for a grant writer in every department, the increase in rape crimes and if funds were allocated for rape prevention, if the city had a working relationship with the Rape Crisis Center, and the public report on disciplined officers not being publicized or the media not picking up on it and the report making the case for why an IPA was not needed.

MOTION - Castillo/Duncan - Of the \$180,00 allocated for the Independent Police Auditor, direct \$100,000 to the fire department to purchase a fire truck and \$55,000 to the new Firefighter Trainee Program, and the balance of \$55,000 to the Sacramento Relief Fund.

There was no further discussion. Budget proceedings were briefly interrupted for the following issue.

ADD-ON ITEM - DECLARING FRIDAY, JUNE 11TH AS A DAY OF REMEMBRANCE FOR PRESIDENT REAGAN

Acting President Castillo recommended Friday be declared a Day of Remembrance and clarified City Hall and city offices would not be closed but any employee wishing to take personal time off could be granted that time off, with City Manager Hobbs later clarifying this would be called Liberal Leave and the time would come out of the employees' leave balance. Chief Assistant City Attorney Sanchez stated official action needed to be taken and Council needed to make the findings that this item arose after the posting of the agenda and it required action this date in order to be implemented on Friday. Acknowledging the findings, motions and seconds were made as follows:

On motion of President Castillo, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the item added to the agenda, by the following vote:

Ayes	:	Boyajian, Dages, Duncan, Perea, Castillo
Noes	:	Sterling

Absent : Calhoun

On motion of President Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, Friday, June 11, 2004, hereby declared a Day of Remembrance for the late President Ronald Reagan, by the following vote:

Ayes : Boyajian, Dages, Duncan, Perea, Castillo
Noes : Sterling
Absent : Calhoun

Mr. Hobbs stated the public was being invited to record their memories and condolences to honor the late President and advised pages would be available for signature on the third floor of City Hall starting tomorrow morning and added this was being done under the auspices of a request of Governor Schwarzenegger who would collect these statewide and transmit them to the Reagan family.

143-212

6/8/04

Councilmember Dages, as he noted earlier, stated he had to leave due to a prior commitment and requested tapes of the remaining proceedings and left at 6:34 p.m. Budget proceedings continued.

GENERAL SERVICES DEPARTMENT:

General Services Director Nerland gave a PowerPoint presentation of his department's budget which included the department's philosophy, Key Result Areas (KRAs), revenues, highlights, and the unfunded issues of Council Chamber dais security doors and cable TV broadcast of council meetings.

Mr. Nerland responded briefly to questions and/or comments of Acting President Perea and President Castillo relative to commendation on the solar power project, environmental stewardship KRA and strategies to get there, serving on the task force for the green building policy, and the funds for special fleet projects.

There was no further discussion.

INFORMATION SERVICES:

Chief Information Officer Hendricks gave a PowerPoint presentation of his department's budget which included FY 2004 highlights and accomplishments and FY 2005's highlights and technology vision. Upon question of Councilmember Duncan, Computer Services Manager Horn spoke briefly to the city's new anti-virus program and the spy ware version that will be coming out in June.

TRANSPORTATION DEPARTMENT:

Transportation Manager Rudd recognized and introduced key staff in attendance and gave a PowerPoint presentation of his department's budget which included transportation vision (**11 - 0**), FY 2004 highlights, FY 2005 projects and initiatives, and other transportation initiatives.

Mr. Rudd responded to questions and/or comments of Councilmembers Duncan and Boyajian relative to plans for service to the Roeding Business Park if it gets started, the end of Measure C and when staff will start looking at impacts, commendation/support for diversifying fleet/trolleys, the grant writers, and the Regional Transportation Plan, and continued questioning on ridership, van pools, new areas for shelters, increased frequencies, use of smaller fleet, the CNG fueling station, technology changes, and amenities in buses. The department was commended and Councilmember Sterling offered her assistance in any way on the new Measure C. There was no further discussion.

The budget hearing was continued to June 15, 2004, at 11:00 a.m.

PUBLIC UTILITIES
PERSONNEL SERVICES

Laid over to June 15, 2004.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 7:40 p.m. having arrived and hearing no objections, President Castillo declared the meeting adjourned.

APPROVED on the ____15th____ day of _____June _____, 2004.

_____/s/_____
ATTEST:_____/s/_____

Brad Castillo, Council President

Yolanda Salazar, Assistant City Clerk